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## Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

Case No. BK-S-06-10725-LBR

## USA COMMERCIAL MORTGAGE COMPANY,

Chapter 11

Debtor.

**NOTICE OF HEARING RE  
OMNIBUS OBJECTION OF USACM  
TRUST TO PROOFS OF CLAIM  
BASED UPON INVESTMENT IN  
THE LERIN HILLS LOAN**

**Date of Hearing:** September 30, 2011  
**Time of Hearing:** 9:30 a.m.  
**Estimated Time for hearing:** 10 min.

**THE USACM LIQUIDATING TRUST IS OBJECTING IN PART TO THE  
CLAIM THAT YOU FILED. TO THE EXTENT YOUR CLAIM IS BASED UPON  
AN INVESTMENT IN THE LERIN HILLS LOAN, THE USACM TRUST SEEKS  
TO DISALLOW 85% OF YOUR CLAIM AND ALLOW 15% OF YOUR CLAIM.  
THE USACM TRUST CONTENDS THAT YOU DO NOT HAVE A  
COMPLETELY VALID CLAIM BASED UPON YOUR INVESTMENT IN THIS  
LOAN BECAUSE YOU TOOK A KNOWN AND OBVIOUS RISK IN MAKING  
THAT INVESTMENT AND USACM DID NOT GUARANTEE REPAYMENT OF  
THAT LOAN. THIS OBJECTION WILL NOT IMPACT YOUR CLAIM TO THE  
EXTENT IT IS BASED UPON AN INVESTMENT IN A DIFFERENT LOAN.**

1           **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**  
2           **COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS**  
3           **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**  
4           **SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP**  
5           **CONSULTING, LLC (602-424-7009) OR TO UNDERSIGNED COUNSEL, JOHN**  
6           **HINDERAKER (520-629-4430).**

7           **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and  
8           through its counsel, has filed its Omnibus Objections to Proofs of Claim Based Upon  
9           Investment in the Lerin Hills Loan (with Certificate of Service) (the “Objection”). Your  
10          Proof of Claim number and other information regarding your claim is provided in **Exhibit**  
11          A, attached to the Objection. The USACM Liquidating Trust has requested that this Court  
12          enter an order, pursuant to section 502 of title 11 of the United States Code (the  
13          “Bankruptcy Code”) and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the  
14          “Bankruptcy Rules”), disallowing 85% and allowing 15% of your Proof of Claim to the  
15          extent it is based upon an investment in the Lerin Hills Loan. The Objection will not  
16          impact your Claim to the extent it is based upon an investment in a different loan.

17           **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held  
18          before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal  
19          Building, 300 Las Vegas Blvd. South, 3<sup>rd</sup> Floor, Courtroom No. 1, Las Vegas, Nevada on  
20          September 30, 2011, at the hour of 9:30 a.m.

21           **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON**  
22          **SEPTEMBER 30, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS**  
23          **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**  
24          **ARGUMENTS WILL BE HEARD ON THAT DATE.**

25           **NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 9014(d), any  
26          response to the objection must be filed and service must be completed no later than

**fourteen (14) days** preceding the hearing date. The opposition must set forth all relevant facts and any relevant legal authority.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
  - The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: August 7, 2011

LEWIS AND ROCA LLP

By s/ John Hinderaker (AZ 18024)  
Robert M. Charles, Jr., NV 6593  
John Hinderaker, AZ 18024 (*pro hac vice*)  
Marvin Ruth, NV 10979  
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*Attorneys for the USACM Liquidating Trust*

Copy of the foregoing and pertinent portion of Exhibits deposited in first class postage prepaid U.S. Mail on August 7, 2011 to all parties listed on Exhibit A attached.

LEWIS AND ROCA LLP

s/ Matt Burns  
Matt Burns